

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

VICTOR RIVERA,)	
)	
Plaintiff,)	
)	
v.)	
)	1:24-cv-205
CAROLYN W. COLVIN, ¹)	
Acting Commissioner of)	
Social Security,)	
)	
Defendant.)	

ORDER

On January 6, 2025, the United States Magistrate Judge's Memorandum Opinion and Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 10, 11.) No objections were filed within the time limits prescribed by Section 636.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.


IT IS HEREBY ORDERED that the Magistrate Judge's Recommendation, (Doc. 10), is **ADOPTED. IT IS FURTHER ORDERED**

¹ Carolyn Colvin became the Acting Commissioner of Social Security on November 30, 2024. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn Colvin should be substituted for Martin O'Malley as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

that the Commissioner's decision finding no disability is **VACATED**, and this matter is **REMANDED** under sentence four of 42 U.S.C. 405(g) for further administrative proceedings, to include re-evaluation of the impact of Plaintiff's migraine headaches on his RFC, with an express discussion of his ability to tolerate exposure to noise and light, as well as his abilities to remain on-task and maintain attendance at work.

A Judgment dismissing this action will be filed contemporaneously with this Order.

This the 27th day of January, 2025.


United States District Judge